



Kentucky Council on Postsecondary Education

Steven L. Beshear
Governor

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Robert L. King
President

September 1, 2010

Secretary Nikki R. Jackson
Personnel Cabinet
501 High Street
Frankfort, KY 40601

RE: Proposed Furlough Implementation for the Council on Postsecondary Education

Dear Secretary Jackson:

Please find enclosed per the regulatory requirements set forth within 101 KAR 5:015E the Council on Postsecondary Education's proposed furlough implementation plan for fiscal year 2010-2011 for your review and approval. Included within these documents are the following:

- The designation of individuals responsible for the oversight and administration of these furloughs with enclosed designation forms
- The proposed manner of how furloughs will be applied to all employees, classified and unclassified
- Any specific flexibility considerations or requests with appropriate justification
- Certifications that furloughs will be applied in compliance with the requirements established by 101 KAR 5:015E
- A copy of the sample notice that each employee will receive at least seven (7) days prior to any period of furlough

If you have any questions regarding this material, the lead contact for the Council on Postsecondary Education's proposed furlough plan is Rebecca Bowman at 502-573-1555, ext 265.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. King", with a stylized flourish at the end.

Robert L. King
President

Enclosures

COUNCIL ON POSTSECONDARY EDUCATION FURLOUGH PLAN

I. DESIGNATION OF APPOINTING AUTHORITIES

Pursuant to the authority provided in 101 KAR 5:015E and 2010 Extra. Sess. Ky. Acts ch. 1, Part IV, 11 , the Council on Postsecondary Education has deemed it appropriate to designate additional individuals to be responsible for the oversight and implementation of the proposed furlough plan. These individuals will be responsible for ensuring that notice will be provided to employees, may accept and review any requests for voluntary furlough or any waivers of formal notices, and have the authority to process payroll actions due to the furloughs. No other individuals other than those designated in writing have the authority to take such actions related to furloughs. Additionally, these designated individuals will ensure that furlough time is appropriately monitored and taken by Council on Postsecondary Education employees.

| <u>Name of designated employee(s)</u> | <u>Official Title</u> | <u>Specific Org Units for Which Have Authority</u> |
|---------------------------------------|-----------------------|--|
| Dennis L. Taulbee | General Counsel | 31-415 |
| Jane Lee Nimocks | Chief of Staff | 31-415 |
| Rebecca D. Bowman | Senior Associate, HR | 31-415 |

The written designations are enclosed with this proposed plan for the use and retention by the Personnel Cabinet. If necessary, additions or changes may be made to these designations, and these changes will only be made to the designations on file with the Personnel Cabinet rather than require an entire change to this proposed plan.

II. APPLICATION OF FURLOUGH DATES

Three (3) Mandated Shut-down Days

September 3, 2010; November 12, 2010; May 27, 2011

The Council on Postsecondary Education's plan complies with the mandatory shut-down days. On these dates, all offices will be closed and all employees, including any contract workers, will not report to work. Written notice has already been provided to each employee of these mandated dates, as previously certified to the Personnel Cabinet.

Three (3) Non-Designated Months

First Pay Periods in October 2010, March 2011, and April 2011

Part 1: For the three (3) non-designated months, the Council on Postsecondary Education's plan includes the furlough of all employees during the first pay periods of the required months.

Part 2: The Council on Postsecondary Education will ensure each staff member of the Council is furloughed in the first pay period for each of the three (3) non designated months by requesting each Unit supervisor to designate staggered furlough days for their employees. The employees will have an opportunity to request days within the Council's recommended furlough days that are in their best interest as well as in the best interest of the agency. The designations will be approved by the Unit supervisor in advance to allow the HR Administrator to provide the required 7 calendar notice to employees of their designated furlough days.

Part 3: The Council on Postsecondary Education will provide written notice to the employees of these non-designated furlough dates at least seven (7) calendar days in advance of the furlough. The Council on Postsecondary Education will notify its employees by letter. A copy of the sample notice is included with these documents (see examples 1 and 2).

III. CONTRACT WORKERS

Contract workers affected by the state furloughs will not report to work on a state mandated shut down day. Contract employees not scheduled to work on a designated furlough day will be scheduled to furlough on an alternate day.

Contract workers affected by the state furloughs will have their hours reduced in the same manner as employees during the non-designated months, within the prescribed pay periods. The Unit supervisor will designate the furlough day in the appropriate pay period and month.

The HR Administrator will provide notification of initial mandated days using enclosed examples 3, 4, and/or 5. The difference between examples 4 and 5 is for contractors who may not be regularly scheduled to work on a designated furlough day and will be assigned an alternate furlough day.

Contractors will be provided advance notice of designated furlough days (see example 6).

IV. REQUIRED CERTIFICATIONS

Please certify, by initial of Cabinet or Independent Agency head, that the statements are true:

We will not involuntarily furlough any employee more than twenty-four (24) work hours in a six (6) month calendar period, as provided in this subsection:

- Employees regularly assigned to a 40-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-four (24) work hours;
- Employees regularly assigned to a 37.5-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-two and one-half (22.5) work hours, which is the equivalent reduction of hours and corresponding pay; and
- All remaining employees on different work schedules shall be involuntarily furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay, which shall be set forth in the furlough plan provided by the Cabinet Secretary or Independent Agency head and approved by the Secretary of Personnel.

PK
(INITIALS)

We will not involuntarily furlough any employee more than 20 percent of an employee's scheduled work hours in any one work week.

PK
(INITIALS)

Employees will not be permitted to utilize accrued leave balances in lieu of a temporary reduction of hours without pay.

PK
(INITIALS)

During the period of furlough, no contractor will receive either additional duties typically performed by a furloughed employee or work additional hours due to the furlough of a state employee.

PK
(INITIALS)

Example 1

PERSONNEL CABINET LETTERHEAD

August 15, 2010

RE: Formal Notice of Furlough Dates and Furlough Plan Information

Dear State Employee:

As you are likely aware, state executive branch employees are to be furloughed during this fiscal year in order to achieve the savings required by the budget passed by the General Assembly. There will be a total of six (6) furlough days which apply to all employees, merit and non-merit.

Three (3) of these furlough days will be established, "common" days of furlough. On these days, when possible, state government is to be shut-down. These common furlough days will increase operational savings and are adjacent to state holidays.

Therefore, please be advised that state government will be closed on the following common furlough days:

September 3, 2010

November 12, 2010

May 27, 2011

Pursuant to 101 KAR 5:015E, this correspondence serves as formal notice of the above-referenced furlough dates. Therefore, your hours will be temporarily reduced without pay on these dates and you should not report to work. Your agency's Appointing Authority will submit a furlough plan which may include alternative furlough dates other than those stated above. NOTE: Alternative dates submitted by your Appointing Authority may be issued, as to not impact critical services to the public. If approved, and if you are impacted by these alternative dates, you will receive further notification from your agency's Appointing Authority.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact your agency HR Administrator. As always, thank you for your continued service to the Commonwealth.

Sincerely,

Nikki Jackson
Secretary, Personnel Cabinet

Example 2

COUNCIL LETTERHEAD

DATE

Employee Name
Employee Address

RE: Notice of Furlough Date

Dear Employee Name:

Pursuant to 101 KAR 5:015E, this correspondence serves as official notice that you are to be furloughed on _____. Therefore, your regular work hours on this date will be reflected as furlough leave without pay and you should not report to work for the Council on Postsecondary Education. If emergency circumstances arise and you must work on a furlough day, a written explanation with the approval of your unit head must be provided to your HR Administrator the next business day. A remaining day in the furlough pay period may be designated as your new furlough day, waiving the 7 day notice requirement. The HR Administrator may approve the accrual of compensatory time on the furloughed day for hours worked, if work hours are ½ day or less and an employee has not reached the maximum 240 compensatory hours, in lieu of designating an alternate furlough day.

As provided in 101 KAR 5:015E, this is not an appealable action.

If you have any questions regarding the above-referenced information, please feel free to contact your HR Administrator, Rebecca Bowman.

Sincerely,

Robert L. King or designee
President

CC: Personnel File

Example 3
COUNCIL LETTERHEAD

August 15, 2010

Vendor Name

Vendor Address

RE: Formal Notice of Furlough Dates and Furlough Plan Information – (Contractor name)

To whom it may concern:

As you are likely aware, Kentucky state executive branch employees are to be furloughed during this fiscal year in order to achieve the savings required by the budget passed by the General Assembly. There will be a total of six (6) furlough days which apply to all employees, merit and non-merit.

Three (3) of these furlough days will be established, "common" days of furlough. On these days, when possible, state government is to be shut-down. These common furlough days will increase operational savings and are adjacent to state holidays. The remaining three (3) furlough days are non-designated days which occur in the months of October 2010, March 2011, and April 2011. The focus on these furlough days is to ensure that there is minimal impact on the services provided to the public.

Therefore, please be advised that the Council on Postsecondary Education will be shut-down on the following common furlough days: September 3, 2010, November 12, 2010, May 27, 2011

This correspondence serves as formal notice of the above-referenced furlough dates. Therefore, contract personnel who are assigned to the Council on Postsecondary Education shall have their hours billable to the Council on Postsecondary Education temporarily reduced without pay on these dates and should not report to work for the Council. Any invoice which includes fringe benefit billing shall be reduced accordingly.

The Council on Postsecondary Education is in the process of preparing its Furlough Plan for submission and review by the Personnel Cabinet. The remaining three (3) non-designated furlough days will be set forth within this Furlough Plan. Prior to any furlough day in these non-designated months, you will receive advance written notice.

If you have any questions regarding the above-referenced information, please feel free to contact Rebecca Bowman, Human Resources. As always, thank you for your continued service to the Commonwealth.

Sincerely,

Robert L. King or designee
President

Cc: (Contractor name)

Example 4
COUNCIL LETTERHEAD

Contract Workers Reduction in Hours

| | |
|-------------------------|-----------------|
| Today's Date: | Agency: |
| Contract Number: | Vendor |
| Description: | Contact: |

House Bill 1, enacted by the 2010 Extraordinary Session of the Kentucky General Assembly, authorizes a furlough policy for state employees which will entail the temporary closure of most state offices on September 3, 2010, November 12, 2010, and May 27, 2011. In addition, furloughs will occur during October, 2010, March, 2011, and April, 2011. The law requires similar treatment to contract workers and that is why you are receiving this notification.

For the "common dates" listed above, your contract workers shall not report to a Commonwealth of Kentucky work location for the same days that state employees will be furloughed.

Our agency will work with you to determine which days during the other three months specified by the Personnel Cabinet that your workers will not report to a Commonwealth of Kentucky work location. Those days must correspond to the same pay period as furloughed state employees.

Vendors will be required to deduct an amount equal to one day's cost of the contract from their invoices for the period covering each of the state furlough days.

Thank you for your cooperation and understanding in this matter.

X

| | | | | |
|-----------------------------|------------|------|---------------|------------|
| Agency Signature (REQUIRED) | Print Name | Date | eMail address | Fax Number |
|-----------------------------|------------|------|---------------|------------|

X

| | | | | |
|-----------------------------|------------|------|---------------|--------------|
| Vendor Signature (REQUIRED) | Print Name | Date | eMail address | Phone Number |
|-----------------------------|------------|------|---------------|--------------|

I have read and acknowledge this communication. Vendor to sign and date and return by fax or email to agency contact listed above before August 30, 2010.

Example 5
COUNCIL LETTERHEAD

Contract Workers Reduction in Hours

| | |
|-------------------------|-----------------|
| Today's Date: | Agency: |
| Contract Number: | Vendor: |
| Description: | Contact: |

House Bill 1, enacted by the 2010 Extraordinary Session of the Kentucky General Assembly, authorizes a furlough policy for state employees which will also entail the reduction in contract worker hours during September, 2010, October, 2010, November, 2010, March, 2011, April, 2011, and May, 2011. The law requires similar treatment to contract workers and that is why you are receiving this notification.

Our agency will work with you to determine which days during **these six months** that your workers will not report. Those days must correspond to the same pay period as furloughed state employees.

Vendors will be required to deduct an amount equal to one day's cost of the contract from their invoices for the period covering each of the state furlough days.

Thank you for your cooperation and understanding in this matter.

X

Agency Signature (REQUIRED) Print Name Date eMail address Fax Number

X

Vendor Signature (REQUIRED) Print Name Date eMail address Phone Number

I have read and acknowledge this communication. Vendor to sign and date and return by fax or email to agency contact listed above before August 30, 2010.

Example 6
COUNCIL LETTERHEAD

Date

Vendor Name

Vendor Address

RE: Formal Notice of Furlough Dates and Furlough Plan Information – (Contractor name)

To whom it may concern:

Pursuant to 101 KAR 5:015E, this correspondence serves as official notice that you are to be furloughed on _____. Therefore, your regular work hours on this date will be reflected as furlough leave without pay and you should not report to work for the Council on Postsecondary Education. If emergency circumstances arise and you must work on a furlough day, a written explanation with the approval of your unit head must be provided to the Council's HR Administrator the next business day. A remaining day in the furlough pay period may be designated as your new furlough day, waiving the 7 day notice requirement.

If you have any questions regarding the above-referenced information, please feel free to contact Rebecca Bowman, HR Administrator.

Sincerely,

Robert L. King or designee
President

Cc: (Contractor name)